



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
BOARD OF MASSAGE AND BODYWORK

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: DPR.DELAWARE.GOV
EMAIL: customerservice.dpr@state.de.us

| | |
|-------------------------|---|
| PUBLIC MEETING MINUTES: | Board of Massage and Bodywork |
| MEETING DATE AND TIME: | Thursday, March 16, 2017 at 1:30 p.m. |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor Cannon Building |
| MINUTES APPROVED: | APPROVED April 20, 2017 |

MEMBERS PRESENT

Jermaine Cannon, Professional Member, President
Danielle DiFonzo, Professional Member, Vice President
Kathy Sherwin, Public Member, Secretary
Frank Beebe, Public Member
Rachel Dunning, Public Member
Holly Overmyer, Professional Member

MEMBERS ABSENT

Sandra Jachimowski, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Eileen Kelly, Deputy Attorney General
Melanie Alexander, Administrative Specialist II
David Mangler, Director

OTHERS PRESENT

Sharon Gamble LMT
Aimee Moulder LMT
Paula Casey LMT
Barbara Williams LMT
Chris Asay LMT
Aelisia Abdul-Rasheed Student
Rebecca Enriw LMT Instructor
Sonia Frey Student
Kristyn Lehman LMT
Kim Stockslager LMT
Kristen Leounes LMT

CALL TO ORDER

Mr. Cannon called the meeting to order at 1:33 pm.

REVIEW OF MINUTES

The Board reviewed the minutes from the February 16, 2017 meeting. A motion was made by Ms. DiFonzo, seconded by Ms. Dunning, to approve the minutes as presented. The motion carried unanimously.

UNFINISHED BUSINESS

Deliberations for Public or Written Comments Rules and Regulations

The Board deliberated at 1:35 p.m. for any written or public comments from the rules and regulations' hearing that was held on February 16, 2017 during the 15 day written comment period to vote to accept the proposed changes. Ms. Kelly explained the rules and regulations proposed changes procedures to the Board and the changes that were made to the regulations clarification of the continuing education breakdown, the new requirement of school approvals, updating the related crimes list, along with other small clarifications to the regulations for better understanding.

The Board had no further comment or deliberations on the regulations. Ms. DiFonzo made a motion, seconded by Ms. Dunning, to accept the proposed regulations. The motion carried unanimously. The Board signed the final order.

Regulation Updates for House Bill 35

After the Board heard from the public regarding their concerns and questions regarding House Bill 35, they moved forward with discussing the Regulations. Ms. Kelly and Ms. Alexander were unsure if Public Health would be involved with drafting the sanitation regulations, and felt it best to get a definitive answer on the matter before attempting to discuss those topics. The Board

Ms. Alexander advised the Board that she attached multiple documents to the agenda for them to review for ideas from other Boards regulations, as well as some Public Health regulations that may or may not be useful. She advised that they all review those items, along with the documents that were handed out at the previous meeting.

Ms. Kelly asked if anyone had found anything that jumped out at them from the previous documents provided, she thought it would be useful to pull from other states regulations so that the Board would not have to start from scratch. She also advised that the Bill does not state anything about the owner of an establishment requiring a information on the owner, but she thought some shop applications ask for the owners information. Ms. Alexander stated that was correct, and advised that for Cosmetology shops or salons, the application asks for the owners information, as well as the professional in charges information.

Ms. Alexander suggested that a valid photo ID be required for both the owner and the professional in charge upon application, and on inspection, so that the inspector can verify the identity of the individuals they encounter during an inspection, and the Board agreed.

Ms. Kelly stated that some professions require a criminal background check for the owners as well as the licensees; however the Bill does not reference that. She stated she doesn't think they can require that unless it is in the law, but it would be good to have that included. The Board agrees that it would be a very helpful tool, so Ms. Kelly said she will check into having that added to the Bill.

Mr. Asay, a licensee in attendance asked how the Board can prove that the professional in charge has agreed to be the professional in charge. Ms. Alexander explained that there is a professional in charge form that must be completed, signed, and notarized by the professional in charge, stating that they agree to be the professional in charge and all the responsibilities that it requires.

Mr. Mangler arrived at the meeting, at which time he spoke with the public regarding House Bill 35, which included an amendment that was just given to him at legislative hall just before he arrived at the meeting.

NEW BUSINESS

Ratification of Massage Technician Certifications

A motion was made by Ms. Dunning, seconded by Ms. Sherwin, to approve the ratification of the Massage Technician applications of: Thessalonians C. Berry, Derrick Alan Jones, Brenda A. Lopez Bedolla, Cecilia Perez Romero, Christian M. Holder, Nazlah Akhtab, Tahira Ayyaz, Brenda Leigh Crosley, Brittany J. Heading, Johnny Joanem, Brianna M. Lee, Anderson O. Osim, Katie M. Oswald, Christian O. Perez-Santiago, Patricia A. Rodenheiser, Heather Lee Werner, Brianna A. Payton, Jay A. Moody, Kristyn K. Lehman, Erika D. Parlett, Zachary Oliver Belle, Melanie L. Swiderski, Jacob William Ryan, Joy K. Holloway, Angela L. Gandolfo, Donice C. Lewis, Ping Wang, Christopher M. Romisch, Sarah Lissette Cabrera, Anne R. Lorcy, Renee S. Smith, and Bujing Zhao. The motion carried unanimously.

Ratification of License Massage Therapists

A motion was made by Ms. Dunning, seconded by Mr. Overmyer, to approve the ratification of the Massage Therapist application of: Lisa J. Daily, Parson A. Kion-Crosby, Liying Cao, Sherika Lakisha Martin, Guizhi Pang, Brylle Joseph Martin, Christopher A. Jackson, Amber Dene Hill, Zan Guo, Thomasa Cachet Bradley, Bounthong Toby Thepsoumphone, Lee Anton Williams, and Dandan Lu. The motion carried unanimously.

Continuing Education

There were no requests submitted.

Application(s) for DAG Review

A motion was made by Ms. Dunning, seconded by Ms. Overmyer, to propose to deny the application of Aixiang Kong. The motion carried unanimously.

A motion was made by Ms. Overmyer, seconded by Ms. Dunning, to approve the application of Jacob Robinson. The motion carried unanimously.

A motion was made by Ms. Dunning, seconded by Ms. DiFonzo, to approve the application of Meghan Daring. The motion carried unanimously.

A motion was made by Ms. Dunning, seconded by Ms. Sherwin, to approve the application of Ultare Banks. The motion carried unanimously.

The application of Lian V. Jin was removed from the agenda because it did not need DAG review.

Review & Consideration of Hearing Officer Recommendations

There were no recommendations to review.

Review & Discussion of Consent Agreements

There were no consent agreements to review.

Review & Signing of Final Orders

There were no orders to sign.

Miscellaneous Review & Discussion

A motion was made by Ms. Dunning, seconded by Ms. DiFonzo, to approve Ms. Ann Haislett's request to request to re-activate her license. The motion carried unanimously.

CORRESPONDENCE

There was no correspondence to review.

OTHER BUSINESS (for discussion only)

Discussion occurred during public comment.

PUBLIC COMMENT

The Board decided to hear public comment before working on House Bill 35 Regulations. Because there were so many present, it seemed best move public comment ahead on the agenda so there would be enough time to hear from everyone that wanted to address the Board.

Ms. Kelly stated she wanted them to have a chance to speak since she didn't know why they were there, and working on the regulations could take quite a while. The public all stated that they were all there to discuss House Bill 35, and they were under the impression that the regulations for HB 35 were on the agenda as part of the Bill itself. Ms. Kelly advised that the Board did not draft HB 35 and were only notified of it the day it was introduced, and that the Board is required to draft the regulations in preparation of the Bill passing so they are prepared.

Ms. Kristen Leounes had questions regarding HB 35, such as how the inspection process will be handled, and can someone only own one establishment, because she was unsure of what line 111 meant. Ms. Kelly advised that the Board cannot answer questions regarding HB 35 since they did not draft the Bill, or have any input in it, so they could answer questions in regards to the intentions of the Bill.

Ms. Alexander advised the public that on the agenda there were links to the legislation webpage, where they can view the Bill in its entirety and there was also a link to sign up to be notified of the Bills progression, and updates. She also stated that on the webpage it lists the names of all the sponsors of the Bill, and that they can click on the link to contact any of the sponsors if they wish to discuss any questions or concerns with them, since the Board is unable to assist with the matter.

Ms. Barbara Williams wanted to know what the Board's responsibility will be in regards to the Bill if it is passed, since they did not have a hand in drafting the Bill, she stated she just wants to understand the whole process. The Board advised that their responsibility will be creating the regulations required for the Bill, and the Division will be responsible for following up to verify compliance with the Bill. Ms. Kelly advised her that all questions and concerns regarding the Bill should be directed to the sponsors of the Bill. Ms. Williams also asked if it is the Board's responsibility to notify the licensees. She also asked how communication between the Board and licensees can be improved, because she did not think that hearing about HB35 on the news was the best way to handle the matter. Ms. Williams asked if there were certain members of the Board that are working with Mr. Mangler to discuss concerns to the sponsors of the Bill. Ms. Kelly advised that Mr. Mangler is the only person directly involved in working with the sponsors, and he has been able to relay the concerns that have been brought to his attention. Ms. Williams also stated that she had no idea how to find out information about any updates or changes that have occurred, so she wanted to know if the only way licensees can find out that information is to go to the website and read the meeting minutes, and agendas from the monthly meeting. Ms. Alexander explained the steps the Board and the Division takes to get information to the public, such as newspaper ads, and sometimes notifying each licensee by mail for certain changes, and other than that it would be the licensee's responsibility to keep them informed.

Mr. Chris Asay said he understand that the Board can't notify the licensees but he suggests they recommend that DPR notify the licensees that a new Bill is being drafted in advance, so that licensees can give their input before the Bill is introduced. He stated that other government settings notify the public that something is being considered and how the public can be involved in the process of the subject, so he believes that DPR should do the same thing in the future. He also asked that the Board consider drafting amendments to the Bill while they are drafting the regulations.

Ms. Amy Moulder asked the Board if the regulations would be complete by June since that is the estimated time the Bill is supposed to pass. She also wanted to know if the Board would ask the licensees for their input on in writing them. She also suggested that the Board should invite licensees and owners to come in to give their input. Ms. Kelly advised that the regulations are drafted during the meeting, and the meetings are all public, and anyone can come to the meeting and give their input. Ms. Moulder asked why the Board doesn't reach out to licensees and ask them to attend the public meetings when the regulations are being discussed, because it is a hot subject that everyone is being affected by.

Ms. Williams wanted to know if inspections can be scheduled in advance so that an inspector doesn't show up while she is in a session, since she doesn't have a receptionist so she has to keep her door locked. Ms. Kelly stated that she does not know how the inspectors will handle the matter.

Ms. Sonya Frey asked suggested that the Board draft a letter to the sponsors of HB 35 addressing their concerns and what the Board would prefer to have changed before the Bill is passed.

The public spoke about specific concerns that would affect them individually, and how they would not be able to comply with the Bill if it stays as it is now. Ms. Kelly advised that while the Board drafts the regulations that will be the time they can address some of those issues, and create requirements for waivers, on some things, and for licensees who meet the requirements, they would then be granted a waiver to that specific statute.

Ms. Kim Stockslager asked for clarification on the process, she wanted confirmation that the Board had to wait for the Bill to be passed, and then it is up to the Board to draft the regulations for how the new statute will be implemented. Ms. Kelly confirmed that was correct, they would not be able to change the wording of the statute; they would just give more definition to the statute in the instances when the statute is very broad.

The public asked if there was any way to get the Bill killed, and they were advised that the only way of attempting to do that is by contacting their representatives and congressman.

Mr. Mangler arrived to the meeting and advised the Board and the public of the amendment that he was just given. He stated that the amendment eliminated the words "or place of sleep" to address the concerns of licensees and their clients who fall asleep during the massage.

Ms. Kelly explained to Mr. Mangler some of the concerns that were stated by the public before he arrived. Mr. Mangler advised the public that the lead inspector who will be creating the steps to implement the Bill, would be more than willing to have any of them assist in training him. Mr. Mangler stated that the lead Investigator is also willing to work with them to do a mock walk through, to show them how the inspection will be handled.

Mr. Mangler and the public had further discussions on the subjects that were mentioned prior to his arrival.

NEXT SCHEDULED MEETING

The next meeting is scheduled for May 18, 2017 at 1:30 p.m.

ADJOURNMENT

There being no further business before the Board, a motion was made by Ms. Dunning, seconded by Ms. DiFonzo to adjourn the meeting. The motion carried unanimously. The meeting went off record and adjourned at 3:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Melanie Alexander".

Melanie Alexander
Administrative Specialist II